

### **REMARKS**

Claim 1 was pending in the application. Claim 1 has been amended. Applicant respectfully requests reconsideration.

### **CLAIM REJECTIONS UNDER 35 USC §103**

The Office Action rejected claim 1 under 35 USC 103(a), as being unpatentable over Willars et al. in view of Carlsson and Engelhart and Miernik et al. Claim 1 has been amended to recite that the location of the communication device is determined through input from the communication device itself, wherein the communication device detects its location using a GPS receiver on the device and then report the result to the network control unit.

The Office Action admits that Willars does not mention this claim limitation but argues that Carlsson teaches this claim limitation. A close review of Carlsson reveals that Carlsson actually teaches away from the use of GPS: “However, the GPS receiver consumes power, adds complexity, and adds cost to the mobile terminal.” See Carlsson at paragraph [0002]. “A prior patent must be considered in its entirety, i.e., as a whole, including portions that would lead away from the invention in suit.” *W. L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1550, 220 USPQ 303, 311 (Fed. Cir. 1983), cert. denied 469 U.S. 851 (1984).

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

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